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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,480

10/24/2005

Fredrik Engman

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30448

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07/03/2007

AKERMAN SENTERFITT

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EXAMINER

LEWIS, RALPH A

ART UNIT

PAPER NUMBER

3732

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

58

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/533,480		ENGMAN, FREDRIK	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ralph A. Lewis		3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

### **Inconsistency in Present Claims**

The present application has been filed with two sets of claims. The first set is apparently the set originally presented in PCT application and contains claims 1-53. The second set filed with the application, apparently as a preliminary amendment, includes the statement that it "will replace all prior versions and listings of the claims in the application" and includes claims 1-38 with the further statement that claims 39-44 have been cancelled.

For purposes of examination, hereinafter, the second set of claims 1-38 are treated as pending and claims 39-53 treated as cancelled. Applicant's future responses and numbering and listing of claims should reflect that claims 39-53 have been cancelled.

### **Objection to the Claims**

Claims 1-37 are objected to under 37 CFR 1.75(i) which requires each element or step of the claimed invention to be separated by a line indentation.

### **Rejections based on 35 U.S.C. 112, second paragraph**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 22, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, there is no antecedent basis for "the tubular passage."

In claim 22, there is no antecedent basis for "the inner tool connection."

In claim 29, it is unclear what limitations applicant is intending to impose upon the claimed impression coping system with limitations directed to an element (the implant) which is not a part of the claimed system.

In claim 32, the "optionally" limitation is not understood. Claims define what the invention not what might optionally be the invention. Is the limitation a requirement of the claimed invention or not? In step (vi), the inclusion of subject matter in parentheses is not understood. It is not provided for by U.S. practice.

In claim 34, it is unclear how the claimed elements of the system relate to the previously claimed elements of the system of parent claim 1. Dependent claims must be reasonably related to the claims from which they depend. Additionally, it is unclear which elements of the system have the claimed "outer surface" and "inner surface."

### **Rejections based on Prior Art**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31 and 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Willoughby (US 6,283,753).

Willoughby discloses at Figures 27A and 27 B an impression coping system for impression molding techniques comprised of (1) an implant fastener/attachment means (the illustrated screw) which is capable of engaging an implant (in Figure 27A and B it engages an implant analog 57), (2) a coping 53 which engages the screw and is to be encased in the impression material, (3) a mountable and removable extender 61 which is dimensioned to protrude from the impression material to provide access to the screw and (4) spacer element 55. In regard to claim 7, nearly any element is "adapted to be cut." In regard to claim 11, the actual person who assembles the device fails to make the device itself patentable. In regard to claim 17, the reasons as to why the spacer might be removed fails to impose any objectively ascertainable structural distinctions from the device disclosed by Willoughby. In regard to claim 20, the Willoughby spacer 55 is "split" in that the top profile is different from the bottom profile.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willoughby (US 6,283,753).

In the Figure 27A and 27B arrangement, Willoughby uses the extender 61 for making an impression of a model with implant analog 57 instead of directly from an implant in a patient's mouth as in figures 26A and 26B. To have merely used the Figure 27A, 27B extension member 61 impression technique for obtaining an impression directly from the patient's mouth as illustrated in Figures 26 would have been obvious to one of ordinary skill in the art.

#### **Prior Art**

Applicant's information disclosure statement of April 29, 2005 has been considered and an initialed copy enclosed herewith.

Harding et al (5,538,426) (note particularly spacer elements 11 and 30 which are used with similar systems), Beaty et al (US 5,674,071) and Lazarof (US 5,681,167) are made of record.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3732

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R. Lewis  
June 24, 2007



Ralph A. Lewis  
Primary Examiner  
AU3732